IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 21724 of 2006(J)

PETITIONER:

HUTCHISON ESSAR CELLULAR LIMITED,
ASHISH BUILDING, COCHIN-31, REPRESENTED
BY ITS MANAGER LEGAL, RAJESH MELETH VEETTIL.

BY ADV.SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

RESPONDENTS:

1.THE OMBUDSMAN FOR LOCAL SELF
GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

2.THE SECRETARY, MEPPAUR GRAMA PANCHAYATH
KOZHIKODE.

3.STATE OF KERALA, REPRESENTED BY
SECRETARY TO LOCAL SELF GOVERNMENT
INSTITUTIONS, SECRETARIAT, THIRUVANANTHAPURAM.

R3 BY GOVT. PLEADER MR.K.J.MOHAMMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.21724 of 2006

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Dated: 19th March, 2007

JUDGMENT

Considering my own judgment in W.P.C.No.21528 of 2006 copy of which is placed before me by the learned counsel for the petitioner, it is seen that the general order Ext.P3 which was passed by the Ombudsman for Local Self Government Institutions directing the local authorities to insist on the mobile telephone companies to produce no objection certificate from the Atomic Energy Commission is a condition for licence for installing their mobile towers was quashed by me. The order impugned in this Writ Petition is Ext.P3 order of the Ombudsman and also Ext.P4 consequential order issued by the 2nd respondent-Panchayat. Necessarily Exts.P3 and P4 will have to be quashed . In fact I had occasion to go through the affidavit submitted before the Bombay High Court by the Atomic Energy Regulatory Board and also a report submitted by the World Health Organisation which were to the effect that the Atomic Energy Regulatory Board has absolutely nothing to do with the effects of radiation from the mobile towers and that the potentiality of the mobile telephone towers to cause risk to human lives due to emission is relatively low when compared to radio towers. Exts.P3 and P4 are therefore quashed and the 2nd respondent-Panchayat is directed to consider the licence

application submitted by the petitioner provided the petitioner satisfies the Panchayat that they are having all statutory clearances and N.O.C. Fresh orders as directed above will be passed by the Panchayat within one month of receiving a copy of this judgment.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**